AO 106 (Rev. 7/87) Affidavit for Search Warrant

FILED

08 FEB -4 PM 12:49

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of
(Name, address or brief description of person or property to be searched)

One Alcatel Cellular Telephone
FCC ID RAD016
Number E157A-5ATGMX2
Number 010604007123836

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: '08 MJ 0315

I Tedd Dekreek being duly sworn depose and say:

I am a(n) Special Agent, U.S. Immigration and Customs Enforcement and have reason to believe

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

See Attachment A

In the SOUTHERN District of CALIFORNIA
there is now concealed a certain person or property, namely (describe the person or property to be seized)

See Attachment B

Which is: (state one or more bases for search and seizure set forth under Rule 41(c) of the Federal Rules of Criminal Procedure)

electronic data that constitutes evidence of the commission of a criminal offense, and electronic data which is and has been used as the means for committing a criminal offense against the United States

Concerning a violation of Title 8 United States code, Section(s) 1324

The facts to support a finding of Probable Cause are as follows:
See Attached Affadavit of Special Agent Tedd Dekreek

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No

Tedd Dekreek
Signature of Affiant

Sworn to before me, and subscribed in my presence

2/1/08 at San Diego, California
Date City and State

BARBARA L. MAJOR
U.S. MAGISTRATE JUDGE
Name and Title of Judicial Officer

Barbara L. Major
Signature of Judicial Officer

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of:

One Motorola Boost Cellular Telephone
Serial Number 364VEYND38
Model Number H75XAH6RR3AN
FCC ID AZ489FT5827

One Telefonica Movistar Cellular Telephone
Model TSM1
IMEI Number 354681005581789

One Alcatel Cellular Telephone
FCC ID RAD016
Number E157A-5ATGMX2
Number 010604007123836

One Motorola V60i Cellular Telephone
DEC 05210098200
FCC ID IHDT56AS1

One Motorola i850 Cellular Telephone
Serial Number 364VFQQGLD

One Samsung Cellular Telephone
Model Number SPH-A620
FCC ID A3LSPHA620
Number 04003322862
Number 2832B3EE

One Samsung Cellular Telephone
Model HSPH-A840
FCC ID A3LSPHA840
Number 03210034977

One Samsung Cellular Telephone
DSN DEC Number 00405066309
ESN HEX 044D4E4557
FCC ID AEZSCP-82H

AFFIDAVIT OF ICE SPECIAL AGENT TEDD DEKREEK IN SUPPORT OF SEARCH WARRANT APPLICATION

I, Tedd Dekreek, Special Agent, U.S. Immigration and Customs Enforcement, being duly sworn, hereby depose and say:

PURPOSE

1. This affidavit is made in support of eight applications for search warrants for federal agents to search the following eight cellular telephones for electronic data that constitutes evidence of the commission of a criminal offense, and electronic data which is and has been used as the means for committing a criminal offense: (1) one Motorola Boost cellular telephone (Serial Number 364VEYND38, Model Number H75XAH6RR3AN, FCC ID AZ489FT5827); (2) one Telefonica Movistar cellular telephone (Model TSM1, IMEI Number 354681005581789), (3) one Alcatel cellular telephone (FCC ID RAD016, Number E157A-5ATGMX2, Number 010604007123836); (4) one Motorola V60i cellular telephone (DEC 05210098200, FCC ID IHDT56AS1); (5) one Motorola i850cellular telephone (Serial Number 364VFQQGLD); (6) one Samsung cellular telephone (Model Number SPH-A620, FCC ID A3LSPHA620, Number 04003322862, Number 2832B3EE); (7) one Samsung cellular telephone (Model HSPH-A840, FCC ID A3LSPHA840, Number 03210034977); and (8) one Samsung cellular telephone (DSN DEC Number 00405066309, ESN HEX 044D4E4557, FCC ID AEZSCP-82H), all seized as evidence during the execution of the search warrant at 4926 Auburn Drive, San Diego, California. The specified telephones are currently in the possession of United States Immigration and Customs Enforcement, Otay Mesa, California.

EXPERIENCE AND TRAINING

2. I am a Special Agent (SA) with United States Immigration and Customs Enforcement (ICE) and have served in that capacity since December of 2002. Prior to that, I served as an Immigration Agent (legacy United States Immigration and Naturalization Service)

from May, 2001, to December, 2002. Prior to that, I was an Immigration Inspector from August, 1996, to May, 2001. I am currently assigned to a Human Trafficking unit for the Resident Agent in Charge San Ysidro, California. In the course of my duties, I investigate, apprehend and prepare cases for prosecution against persons involved in the bringing in of undocumented aliens into the U.S., the transportation and harboring of undocumented aliens within the U.S., and the utilization of illegally obtained, counterfeit, altered or genuine immigration documents by undocumented aliens.

3. Additionally, I have received on-the-job experience and training relative to detecting evidence of illegal smuggling of persons (and narcotics) into the U.S., the transportation of illegal aliens within the U.S., and related criminal offenses. This training included working and consulting with senior agents from both ICE and other federal law enforcement agencies, interviewing suspected and convicted alien smugglers, and conducting surveillance of activities related to alien smuggling. I have used this training in the performance of my duties as a criminal investigator.

4. I have investigated numerous alien smuggling organizations during the course of my employment with ICE. I have been involved in investigations that have resulted in several alien smuggling arrests, many of which also led to seizures of vehicles and currency. I have also participated in the execution of several federal search warrants and federal arrest warrants, the majority of which were related to alien smuggling.

5. This affidavit does not contain all the information known to federal agents regarding this investigation. Rather, it contains only those facts believed to be necessary to establish probable cause.

6. Based upon my training and experience as a Special Agent, consultations with other agents and law enforcement officers experienced in alien smuggling investigations and all the facts and opinions set forth in this affidavit, I submit the following:

a. Alien smugglers and alien smuggling organizations utilize cellular phones because they are mobile and they have instant access to phone calls and voice mails.

b. Alien smugglers and organizations believe that cellular phones provide greater insulation and protection against law enforcement investigations because they believe in the inability of law enforcement personnel to simultaneously track the originating and destination phone numbers of calls placed to and from their cellular phones.

c. ICE agents will deliver the cellular phones to cellular phone forensic examiners at the SAC San Diego Forensics Group. These examiners may be able to determine the PIN, turn on the cellular phone, and retrieve data from the cellular phone. Unlike computers, cellular phones do not have hard drives and store information in volatile memory. Current technology does not provide solutions for imaging the data stored in cellular phone memory. Consequently, the phone will have to be powered up and turned on by a forensics examiner. The examination may be delayed due the lack of appropriate charging devices. The examiner will need to manually examine the cellular phone and its functions and record their findings using digital photograph. This process is time and labor intensive and, depending upon the workload of the few certified cellular phone forensic examiners available, may take weeks or longer.

FACTS SUPPORTING PROBABLE CAUSE

A. OVERVIEW

7. Beginning in approximately January, 2006, U.S. Border Patrol Agents working in the San Diego Sector became aware of an alien smuggling organization ("ASO") headed by Jose

Luis NARANJO-Ramirez (a.k.a. "El Sorga"). NARANJO smuggles aliens through unmanned areas along the southwest border. Once in the United States the illegal aliens are temporarily housed at "drop houses." One of the "drop houses" utilized by NARANJO was run by Luis Manuel BECERRA-Martinez (a.k.a. "La Condesa.") BECERRA is known to house illegal aliens for several ASOs, one of which is NARANJO's.

B. SIGNIFICANT EVENTS

8. On April 6, 2006, Agents conducted a consensual search of 5540 Olvera Ave., San Diego, California and discovered eight undocumented aliens. BECERRA, the tenant and caretaker of the residence, admitted to being engaged in harboring aliens.

9. On July 26, 2006, Agents again approached the residence located at 5540 Olvera Ave., San Diego, California. BECERRA answered the door and gave consent for agents to search the premises. Four illegal aliens were discovered. In addition, agents found several items suspected to be related to alien smuggling, including smuggling ledgers listing numerous alien smuggling organizations, including the "Sorga" organization, pay/owe sheets, fraudulent permanent resident cards, fraudulent social security cards, and a DayPlanner organizer with numerous names, phone numbers and addresses.

10. On January 15, 2008, Special Agents of Immigration and Customs Enforcement and U.S. Border Patrol Agents executed an arrest warrant for Luis Manuel BECERRA at his residence located at 4926 Auburn Drive, San Diego, CA. See Attachment 1. During the execution of the arrest warrant, BECERRA fled to his neighbor's house, where he was apprehended. The arrest warrant was obtained pursuant to a grand jury indictment for a violation of Title 8, United States Code Section 1326. BECERRA had been identified through the course

of an investigation as being an alien previously deported from the United States and involved in alien smuggling.

11. On January 15, 2008, following the arrest of Luis Manuel BECERRA, a search warrant was obtained for the premises known as 4926 Auburn Drive, San Diego, CA. See Attachment 2. This search warrant authorized agents to seize, among other items, communications equipment such as pagers, cellular telephones and digital telephones. Eight cellular phones were seized from the residence.

12. On January 15, 2008, Luis Manuel BECERRA was advised of his Miranda rights and agreed to answer questions without an attorney present. BECERRA admitted to harboring aliens in the past. He stated that when people call asking how much it will cost to cross a family member or friend into the United States, he tells them the price that he thinks it will cost. Then he calls the alien smuggling organization, and if they quote a lower price for the smuggling fee, BECERRA keeps the difference.

DESCRIPTION OF PROPERTY / ITEMS TO BE SEARCHED

13. The property / items to be searched are further described as: (1) one Motorola Boost cellular telephone (Serial Number 364VEYND38, Model Number H75XAH6RR3AN, FCC ID AZ489FT5827); (2) one Telefonica Movistar cellular telephone (Model TSM1, IMEI Number 354681005581789), (3) one Alcatel cellular telephone (FCC ID RAD016, Number E157A-5ATGMX2, Number 010604007123836); (4) one Motorola V60i cellular telephone (DEC 05210098200, FCC ID IHDT56AS1); (5) one Motorola i850cellular telephone (Serial Number 364VFQQGLD); (6) one Samsung cellular telephone (Model Number SPH-A620, FCC ID A3LSPHA620, Number 04003322862, Number 2832B3EE); (7) one Samsung cellular telephone (Model HSPH-A840, FCC ID A3LSPHA840, Number 03210034977); and (8) one

Samsung cellular telephone (DSN DEC Number 00405066309, ESN HEX 044D4E4557, FCC ID AEZSCP-82H).

DESCRIPTION OF PROPERTY / ITEMS TO BE SEIZED

14. Based upon my experience and training, and all of the facts and opinions set forth in this affidavit, I believe that the following items will be found in the locations to be searched described in paragraph 13, supra:

a. the telephone numbers and/or direct connect numbers and names or identities assigned to those telephones;

b. telephone numbers, names, and identities stored in the directories;

c. telephone numbers and/or direct connect numbers dialed from the telephones;

d. all other telephone numbers stored in the telephones' memory (including, but not limited to: received, missed and incomplete calls);

e. any other electronic information in the stored memory and/or accessed by the telephones (including, but not limited to: text messages, voice messages, and memoranda) relating to violations of Title 8, United States Code, Section 1324;

f. any electronic photographs, voice recordings, voice notes, calendar information; and

g. all subscriber information;

which evidences the existence of a conspiracy to smuggle aliens into the United States.

CONCLUSION

15. Based upon my experience and training, consultation with other agents in alien smuggling investigations, consultation with other sources of information, and the facts set forth herein, I know that the items to be seized set forth supra in paragraph 14 and described in

Attachment B are likely to be found in the location to be searched set forth supra in paragraph 13 and described in Attachment A.

Tedd Dekreek
Special Agent
U.S. Immigration and Customs Enforcement

SUBSCRIBED TO AND SWORN TO
Before me this 1st day of February, 2008

UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

ITEMS/PROPERTY TO BE SEARCHED

A. One Motorola Boost cellular telephone (Serial Number 364VEYND38, Model Number H75XAH6RR3AN, FCC ID AZ489FT5827), presently in the custody of U.S. Immigration and Customs Enforcement.

B. One Telefonica Movistar cellular telephone (Model TSM1, IMEI Number 354681005581789), presently in the custody of U.S. Immigration and Customs Enforcement.

C. One Alcatel cellular telephone (FCC ID RAD016, Number E157A-5ATGMX2, Number 010604007123836), presently in the custody of U.S. Immigration and Customs Enforcement.

D. One Motorola V60i cellular telephone (DEC 05210098200, FCC ID IHDT56AS1), presently in the custody of U.S. Immigration and Customs Enforcement.

E. One Motorola i850cellular telephone (Serial Number 364VFQQGLD), presently in the custody of U.S. Immigration and Customs Enforcement.

F. One Samsung cellular telephone (Model Number SPH-A620, FCC ID A3LSPHA620, Number 04003322862, Number 2832B3EE), presently in the custody of U.S. Immigration and Customs Enforcement.

G. One Samsung cellular telephone (Model HSPH-A840, FCC ID A3LSPHA840, Number 03210034977), presently in the custody of U.S. Immigration and Customs Enforcement.

H. One Samsung cellular telephone (DSN DEC Number 00405066309, ESN HEX 044D4E4557, FCC ID AEZSCP-82H), presently in the custody of U.S. Immigration and Customs Enforcement.

ATTACHMENT B

ITEMS TO BE SEIZED

The items to be seized are electronic data that constitute evidence of the commission of a criminal offense, and electronic data which is and has been used as the means for committing a criminal offense. The specific criminal offenses involved are violations of Title 8, United States Code, Section 1324, transportation and harboring of aliens. The items to be seized include the electronic data described below:

a. the telephone numbers and/or direct connect numbers and names or identities assigned to those telephones;

b. telephone numbers, names, and identities stored in the directories;

c. telephone numbers and/or direct connect numbers dialed from the telephones;

d. all other telephone numbers stored in the telephones' memory (including, but not limited to: received, missed and incomplete calls);

e. any other electronic information in the stored memory and/or accessed by the telephones (including, but not limited to: text messages, voice messages, and memoranda) relating to violations of Title 8, United States Code, Section 1324;

f. any electronic photographs, voice recordings, voice notes, calendar information; and

g. all subscriber information.

Attachment 1

unsealed 1/17/08

AO 442

SECRET

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA
V.
Luis Manuel Becerra

WARRANT FOR ARREST

CASE NUMBER: 07CR3442 JAH

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Luis Manuel Becerra
Name

and bring him or her forthwith to the nearest magistrate to answer a(n)

[X] Indictment [ ] Information [ ] Complaint [ ] Order of Court [ ] Violation Notice [ ] Probation Violation Petition [ ] Pretrial Violation

charging him or her with (brief description of offense)

8 USC 1326(a) and (b) - Deported Alien Found in the United States

In violation of Title See Above United States Code, Section(s)

W. Samuel Hamrick, Jr.
Name of Issuing Officer

Clerk of the Court
Title of Issuing Officer

A. Everill
Signature of Deputy

SEAL

December 20, 2007 San Diego, CA
Date and Location

Bail fixed at $ by The Honorable William McCurine Jr.
Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at 4924 AUBURN DRIVE, SAN DIEGO, CA

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST 1/15/08	TEDD DEKREEK ICE SPECIAL AGENT	Tedd Dekreek

SECRET

07 DEC 20 PM 2:32

BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

January 2007 Grand Jury

UNITED STATES OF AMERICA, Plaintiff, v. LUIS MANUEL BECERRA, Defendant.	Criminal Case No. '07 CR 3442 JAH I N D I C T M E N T Title 8, U.S.C., Secs. 1326(a) and (b) - Deported Alien Found in the United States

The grand jury charges:

On or about November 13, 2007, within the Southern District of California, defendant LUIS MANUEL BECERRA, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Sections 1326(a) and (b).

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RSK:nlv:San Diego
12/19/07

I hereby attest and certify on 12/2007
That the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By ______ Deputy

It is further alleged that defendant LUIS MANUEL BECERRA was removed from the United States subsequent to April 22, 1999.

DATED: December 20, 2007.

A TRUE BILL:

Foreperson

KAREN P. HEWITT
United States Attorney

By:
REBECCA S. KANTER
Assistant U.S. Attorney

Attachment 2

United States District Court

FILED 2008 JAN 15 PM 3:49
CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY ______ DEPUTY

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of

The Residence Located At
4926 Auburn Dr.
San Diego, California

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

CASE NUMBER: '08 MJ 01 14

I, Jose Gonzalez, being duly sworn depose and say:

I am a Special Agent of the Immigration and Customs Enfocement and have reason to believe that ☐ on the person of or ☒ on the premises known as

4926 Auburn Dr., San Diego, California (more fully described in Attachment A)

in the Southern District of California there is now concealed a certain person or property, namely

the items specified in Attachment B

which are evidence of a crime; contraband, fruits of a crime, and other items illegally possessed; and property designed or intended for use or which was used in committing a crime against the United States, concerning a violation of:

Title 8 United States Code, Sections 1324 (alien smuggling).

The facts to support a finding of probable cause are as follows:

Attached Affidavit – continued on the attached sheet and made a part thereof

I specifically request that the judge review this warrant for vagueness and over-breadth.

Signature of Affiant

Special Agent Jose Gonzalez
Immigration Customs Enforcement

Sworn to before me, and subscribed in my presence

At San Diego, California on 1-15-08 3:20pm (Date/Time)

The Honorable Nita L. Stormes
United States Magistrate Judge

AO 109 (2/90) Seizure Warrant

AFFIDAVIT

I, Jose Gonzalez, being duly sworn, declare and state:

INTRODUCTION

1. I am a Special Agent with the United States Immigration and Customs Enforcement (ICE) and have served in that capacity since December 2006 . Prior to that I served as an Immigration Inspector for Customs and Border Protection (legacy United States Immigration and Naturalization Service) from September 2002 to December 2006. I am currently assigned to a Human Trafficking unit for the Resident Agent in Charge at San Ysidro, California. In the course of my duties, I investigate, apprehend and prepare cases for prosecution against persons involved in the bringing in of undocumented aliens into the U.S., the transportation and harboring of undocumented aliens within the U.S., and the utilization of illegally obtained, counterfeit, altered or genuine immigration documents by undocumented aliens. Additionally, I have received on-the-job experience and training relative to detecting evidence of illegal smuggling of persons (and narcotics) into the U.S., the transportation of illegal aliens within the U.S., and related criminal offenses. This training included working and consulting with senior agents from both ICE and other federal law enforcement agencies, interviewing suspected and convicted alien smugglers, and conducting surveillance of activities related to alien smuggling. I have used this training in the performance of my duties as a criminal investigator. I have investigated multiple alien smuggling organizations during the course of my employment with ICE and, to some extent, with CBP. I have been involved in investigations that have resulted in several alien smuggling arrests, many of which also led to seizures of vehicles and currency. I have also participated in the execution of several federal search warrants and federal arrest warrants.

2. This affidavit supports an applications for a warrants to search and seize evidence from the premises commonly known as 4926 Auburn Dr., San Diego, California (herein referred to as "**TARGET RESIDENCE.**") The **TARGET RESIDENCE** is described in more detail in Attachment A-1 and pictured in Attachment A-2 attached hereto and incorporated herein by reference.

3. Based on information below, I have probable cause to believe that the property described in Paragraph 2 contain evidence of a crime; contraband, fruits of a crime, and other items illegally possessed; and property designed or intended for use or which was used in committing a crime.

Specifically, I have probable cause to believe that within the above properties is evidence of alien smuggling in violation of Title 8, United States Code Section 1324, and conspiracy to do same.

4. The evidence to be searched for and seized is listed in Attachment B to the search warrant application, incorporated herein. Based on my training and experience, as detailed above, and on information obtained in the course of this investigation, as detailed below, I believe there is probable cause to believe that the items listed in Attachment B will be found at the **TARGET RESIDENCE** described in Attachment A-1 and pictured in Attachment A-2.

5. The following is based on my own investigation, oral and written reports by other law enforcement officers, physical and electronic surveillance, interviews, subpoenaed and public records, database checks, searches, phone analysis, and other investigation. Since this affidavit is for a limited purpose, I have not included every fact I know about this investigation. I set forth only facts necessary to establish foundation for the complaint and requested search and seizure warrants. Conversations below are set forth in substance unless noted, and most call descriptions are based on summaries prepared by monitors, not final transcripts. Dates and times are approximate.

PROBABLE CAUSE

A. OVERVIEW

6. The investigation involves a joint effort by ICE and the U.S. Border Patrol into an alien smuggling organization (ASO) operating in and throughout San Diego County and Mexico. This organization utilizes the California ports of entry and other areas unmanned by designated officers. Beginning in approximately January, 2006, U.S. Border Patrol Agents working in the San Diego Sector became aware of an ASO headed by Jose Luis NARANJO-Ramirez (a.k.a. "El Sorga"). NARANJO smuggles aliens through unmanned areas along the southwest border. Once in the United States the illegal aliens are temporarily housed at "drop houses." One of the "drop houses" utilized by NARANJO is run by Luis Manuel BECERRA-Martinez (a.k.a. "La Condesa.") BECERRA is known to house illegal aliens for several ASOs, one of which is NARANJO's.

B. SIGNIFICANT EVENTS

7. On April 6, 2006, Agents conducted a consensual search of 5540 Olvera Ave., San Diego, California and discovered eight undocumented aliens. BECERRA, the tenant and caretaker of the

residence, admitted to being engaged in harboring aliens for $30.00 per alien.

8. On July 26, 2006, Agents again approached the residence located at 5540 Olvera Ave., San Diego, California. BECERRA answered the door. When agents asked if they could come inside, BECERRA replied "sure, no problem." BECERRA gave consent for agents to search the premises. Four illegal aliens were discovered. In addition, agents found several items suspected to be related to alien smuggling, including smuggling ledgers listing numerous alien smuggling organizations, including the "Sorga" organization, pay/owe sheets, fraudulent permanent resident cards, fraudulent social security cards, and a DayPlanner organizer with numerous names, phone numbers and addresses.

9. On June 19, 2007, a confidential source, hereinafter referred to as CS-1[1], provided information to Agents. CS-1 stated that he knows "La Condesa" because "La Condesa" lives in the apartment unit directly above CS-1's uncle. CS-1 stated that on June 17, 2007, he was contacted by "La Condesa" to pick up aliens near the Border Field State Park. "La Condesa" instructed CS-1 to bring the aliens to "La Condesa's" house at 4926 Auburn Dr., San Diego, California. CS-1accompanied agents to "La Condesa's" residence and showed agents the **Target Residence**. CS-1 stated that the load vehicles used to transport the illegal aliens to and from **Target Residence** park on the driveway rather than utilize the dirt road located behind the residence. CS-1 also identified two vehicles owned and/or driven by "La Condesa" that were parked at the residence – a burgundy 1994 Ford Explorer (5WUL058) and a red 1998 Ford Mustang convertible (3WWF610).

10. On June 23, 2007, U.S. Border Patrol Agents apprehended BECERRA at the Border Field State Park. BECERRA was the driver of a Red Ford Explorer bearing California license 5WUL058. Agents observed individuals running away from said vehicle as he approached. The passenger of the vehicle admitted that she and BECERRA were at the park to pick up illegal aliens. Records checks revealed that the Explorer was registered to Luis BECERRA, 4926 Auburn Drive, San Diego, CA, although the vehicle has a Release of Liability to Martin Gonzalez, Tijuana, Mexico with a receipt date

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[1] CS-1 is an unpaid source who provided information after being apprehended on June 19, 2007, as a driver of a vehicle found to contain four illegal aliens. CS-1 agreed to cooperate with agents. CS-1 has an immigration history which includes several prior removals from the United States. Information provided by CS-1 is consistent with and has been corroborated by other sources and additional investigation. As far as agents are aware, CS-1 has never knowingly provided false information to law enforcement while cooperating with agents. At this time, CS-1 is considered reliable.

of July 31, 2007, and a transfer date of June 12, 2007.

11. On September 6, 2007, a second confidential source, hereinafter referred to as CS-2,[2] was interviewed by agents. CS-2 agreed to cooperate with agents and provided information of an alien load house in San Diego operated by an individual known as "La Condesa." CS-2 stated that he has met "La Condesa" a few times and identified Luis Manuel BECERRA-Martinez as "La Condesa."

12. On September 10, 2007, a third confidential source, hereinafter referred to as CS-3,[3] was apprehended by agents. CS-3 stated that he has been driving load vehicles for an alien smuggling organization for about three months. CS-3 agreed to take agents to the residence that he believed to be the residence of the smuggler. CS-3 first described a location that matched the description of 4926 Auburn Dr. and then led agents to the **Target Residence**, which matched the description he had previously given.

13. On October 10, 2007, agents observed a red Ford Mustang bearing California License 3WWF610 parked on the driveway at the TARGET Residence. Records checks revealed that this vehicle is registered to Luis M. BECERRA at 4926 Auburn Dr., San Diego, California.

14. On January 15, 2008, I observed BECERRA at the Target Residence. Other agents saw BECERRA exit the **TARGET RESIDENCE** to check the mail. Agents arrested BECERRA pursuant to an arrest warrant based on a previously filed indictment in case number 07cr3442-JAH. I observed one individual jump from the balcony at the back of the Target Residence. The individual began to flee from the **TARGET RESIDENCE** and was apprehended by agents from Immigration and Customs Enforcement and Border Patrol. Based on the facts set forth in the preceding paragraphs, agents believed

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[2] CS-2 is an unpaid source who provided information after being apprehended on September 6, 2007, guiding six illegal aliens into the United States. CS-2 agreed to cooperate with agents. Information provided by CS-2 is consistent with and has been corroborated by other sources or additional investigation. As far as agents are aware, CS-2 has never knowingly provided false information to law enforcement while cooperating with agents. At this time, CS-2 is considered reliable.

[3] CS-3 is an unpaid source who provided information after being apprehended on September 10, 2007, while he was waiting to pick-up and transport a group of 10 illegal aliens into the United States. CS-3 agreed to cooperate with agents. CS-3 has a criminal history which includes arrests for the possession of a controlled substance and misdemeanor convictions for burglary. Information provided by CS-3 is consistent with and has been corroborated by other sources or additional investigation. As far as agents are aware, CS-3 has never knowingly provided false information to law enforcement while cooperating with agents. At this time, CS-3 is considered reliable.

the individual was illegally in the United States. Therefore, a field interview was conducted of the individual, who identified himself as Abraham Miranda MARTINEZ (DOB: 10-9-83). MARTINEZ stated that he ran from the agents because he was a citizen of Mexico of no documents to be in the United States legally.

15. From my training and experience, I know persons engaged in alien smuggling sometimes keep at their residence the items in Attachment B. In particular, I am aware that persons who illegally transport and harbor aliens sometimes keep at their residence or other locations where they commonly engage in alien smuggling activity, records relating to their criminal activity, including, but not limited to, names of participants of alien smuggling; lists containing names of smuggled aliens along with their destination and fees paid or fees to be paid; registrations, title records and rental contracts of vehicles used in the smuggling and transporting of undocumented aliens; financial and banking records recording the receipt of money from smuggling and the transfer and concealment of said money; telephone tolls and communication equipment used to make calls relating to alien smuggling arrangements; and documents and receipts evidencing temporary lodging of undocumented aliens. It is also my experience, and the experience of law enforcement officers with whom I have worked, that undocumented aliens' passports, identity documents, and other property belonging to aliens are often left behind at locations where they have been transported or harbored. Such documents and property are left behind because the aliens are often moved from one location to the other with little advance notice. In most cases, smugglers collect such documents and property from the aliens to conceal their citizenship and identity if apprehended and/or questioned by law enforcement personnel.

16. The investigation into the criminal activities of the above individuals reveals that their alien smuggling activities are ongoing. Due to the frequency and volume of aliens being smuggled, the number of organizations BECERRA is working for, and the relatively sophisticated manner in which the above individuals conduct their illegal activities, I believe they have been engaged in the illegal smuggling and harboring of aliens for a long period of time. Based on my training and experience, I believe that the criminal activity described above is, by nature, self-perpetuating.

17. Based upon my experience and training, consultation with other law enforcement officers experienced in alien smuggling investigations, and all the facts and opinions set forth in this affidavit,

I believe that the items set forth in Attachment B, which evidence violations of the Title 8, United States Code, Sections 1324, as set forth above, will be found at the above-noted locations. Based on the aforementioned information and investigation, I believe that the described property in Attachment B will be recovered when this warrant is served, thus I believe that the grounds for the issuance of a search warrant exists for the **TARGET RESIDENCE**, which is more fully described in Attachment A-1 and pictured in Attachment A-2.

~~18.~~ SEALING REQUEST: Because this is an ongoing investigation and premature disclosure of the investigation and this affidavit could endanger agents and officers, cause suspects to flee, and cause the destruction of evidence, I request that this affidavit, the search warrants, the application for the search warrant, the attachments and all other associated court records be sealed until further court order.

19. WHEREFORE, I request that the court issue a search warrant for the location in paragraph 2 to seize the items in Attachment B.

JOSE GONZALEZ
Special Agent
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to before me

this 15th day of January, 2008.

United States Magistrate Court Judge
Southern District of California

ATTACHMENT A-1

Description of the Property and Premises to be Searched

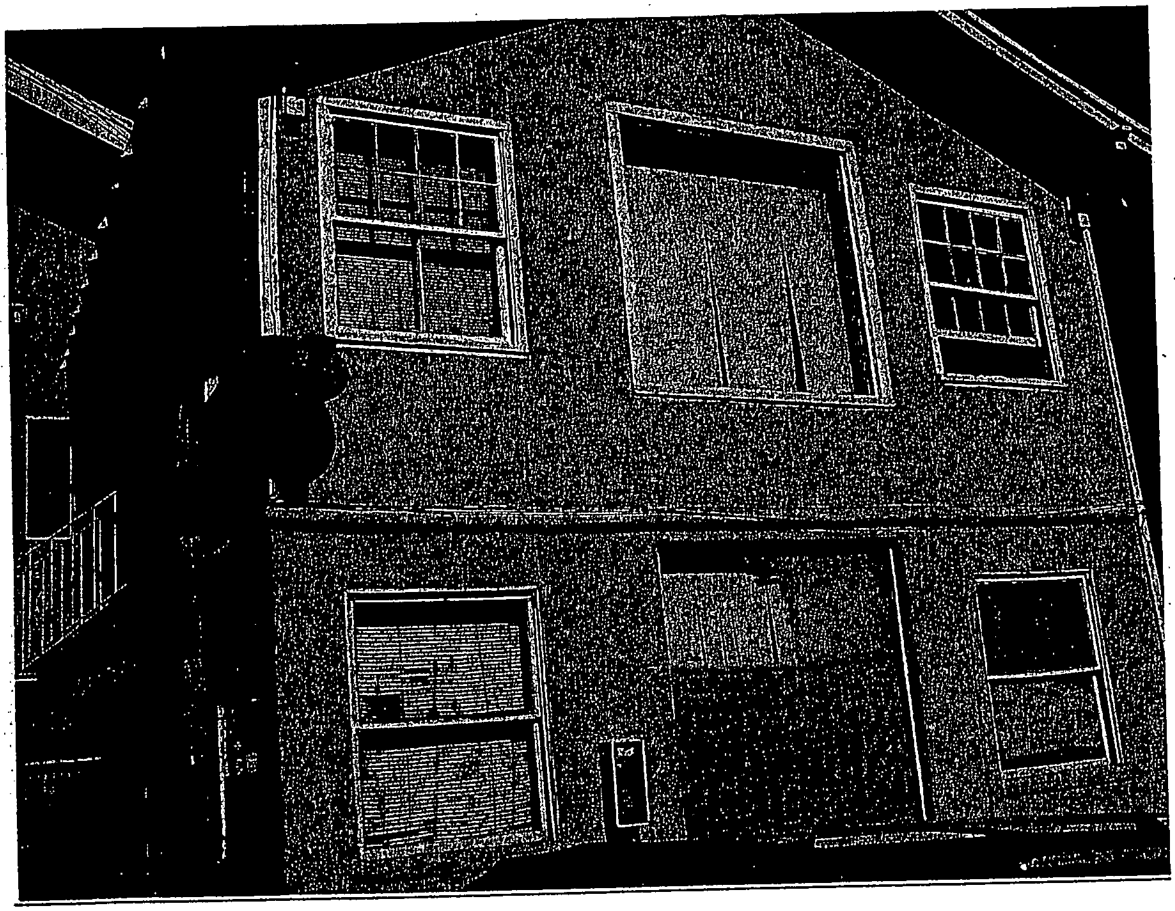
4926 Auburn Drive, San Diego, California

The premises located at 4926 Auburn Drive, San Diego, California, including the residence, all rooms, attics, storage areas, safes, briefcases, containers, trash areas, trash containers, surrounding grounds, vehicles associated with this address and outer buildings of any kind located thereon. The residence is described as follows:

The residence is on the second floor of a two-story house that is divided into four units. The exterior of the structure is grey-colored stucco with white trim and a grey-colored shingled roof. The residence is located on the east side of the street, facing west. The residence is clearly marked in black numbering on the left side of the front door. A primary access to the residence is a staircase leads up to the residence and accesses only that unit.

As well as all vehicles located within the property boundaries, and parked on the street that have been determined to be associated to the residence.

ATTACHMENT A-2



ATTACHMENT B

Description of Items to Be Seized

4926 Auburn Drive, San Diego, California

1. Documents relating to or memorializing the harboring, transportation, coordination and smuggling of illegal aliens, including but not limited to lists, pay-owe sheets, records of alien smuggling, log books, ledgers, storage records, and papers and documents containing lists of names and/or numbers of individuals involved in the coordination, transportation and smuggling of illegal aliens;

2. Documents and articles of personal property relating to the existence of a conspiracy to smuggle illegal aliens into the United States and distribute them throughout the United States, including computers and computer equipment, computer software, personal telephone/address books, including electronic organizers, Rolodexes, telephone answering pads, telephone bills, and photographs;

3. Documents and articles of personal property relating to the obtaining, secreting, transfer, expenditure and/or concealment of money and assets derived from or to be used in the coordination, transportation and smuggling of illegal aliens, including books, receipts, records, bank statements, business records, money drafts, money order and cashier's check receipts, safes and records of safety deposit boxes and storage lockers;

4. Financial proceeds and articles of personal property relating to the coordination, transporting and smuggling of illegal aliens, including U.S. currency, negotiable instruments and financial instruments including stocks and bonds, and deeds to rental property;

5. Items commonly used to facilitate the smuggling or harboring of aliens such as communications equipment (cell phones, PDAs, etc.), firearms, ammunition and other weapons;

6. Communications equipment such as pagers, cell telephones, digital telephones, and two-way radios and counter surveillance equipment used to detect police activities and surveillance, including radio scanners, and wire transmitter detectors;

7. Photographs of individuals coordinating, transporting, or smuggling illegal aliens;

8. Documents and articles of personal property relating to the identity of persons occupying, possessing, residing in, owning, frequenting or controlling the premises to be searched or property therein, including keys, rental agreements and records, property acquisition records, utility and telephone bills and receipts, photographs, answering machine tape recordings, telephone beeper or paging devices, telephone answering pads, storage records, vehicle and/or vessels records, canceled mail envelopes, correspondence, financial documents such as tax returns, bank records, safety deposit box records, travel documents, personal identification documents, and documents relating to obtaining false identification, including birth

certificates, drivers license, immigration cards and other forms of identification in which the same person would use other names and identities other than his or her own;

9. Incoming telephone calls while at, or away for cellular telephones, from the premises for execution and service of this search warrant, including answering, listening to, recording, monitoring and conversing with callers who appear to be calling in regard to alien smuggling business on the telephone or answering machine or device, and to return all calls left on any answering machine or device, or telephone beeper or pager located within the premises to be searched, without revealing the agent or officer's identity.

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

In the Matter of the Search of

The Residence Located At
4926 Auburn Dr.
San Diego, California

SEARCH WARRANT

CASE NUMBER: **'08 MJ 0114**

TO: Special Agent Jose Gonzalez of ICE and any Authorized Officer of the United States

Affidavit(s) having been made before me by SA Jose Gonzalez of ICE (Affiant) who has reason to believe that ☐ on the person of or ☒ on the premises known as (name, description and/or location)

4926 Auburn Dr., San Diego, California (more fully described in Attachment A)

in the Southern District of California there is now concealed a certain person or property, namely (describe the person or property)

The items specified in Attachment B which are the fruits, instrumentalities and evidence concerning violations of Title 8, United States Code, Sections 1324.

I am satisfied that affidavit(s) and any recorded testimony establish probable cause to believe that the person or property so described is now concealed on the person or premises above-described and establish grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 1-25-08 (Date)

(not to exceed 10 days) the person or place named above for the person or property specified, serving this warrant and making the search in the daytime – 6:00 A.M. to 10:00 P.M. and if the person or property be found there to seize same, leaving a copy of this warrant and receipt for the person or property taken, and prepare a written inventory of the person or property seized and promptly return this warrant to the issuing U. S. Magistrate Judge, as required by law.

1-15-08 3:25pm at San Diego, California

Date and Time Issued — City and State

United States Magistrate Judge Nita L. Stormes

Name and Title of Judicial Officer

Signature of Judicial Office

AO 109 (2/90) Seizure Warrant

RETURN

DATE WARRANT RECEIVED	DATE AND TIME WARRANT EXECUTED	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH
01/15/08	01/15/08 3:45 p.m.	Luis Manuel BECERRA

INVENTORY MADE IN THE PRESENCE OF

S/A TEDD DEKREEK

INVENTORY OF PERSON OR PROPERTY TAKEN PURSUANT TO THE WARRANT

- Plastic Bag with Green Leafy Substance
- 4 Notebooks with Misc. papers
- 7 cellular Telephones
- Misc. Documents (vehicle records, utilities, immigration docs, Birth Certificates)
- Immigration Documents for BECERRA

CERTIFICATION

I swear that this inventory is a true and detailed account of the person or property taken by the warrant.

____

Subscribed, sworn to, and returned before me this date.

____________________ U.S. Judge or Magistrate

______________ Date